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BILL NO. Z-88- 10-08

zoning map ordinance no. z-21-88

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Fort Wayne Zoning Map No. M-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

AN ORDINANCE amending the City of

SECTION 1. That the area described as follows is hereby designated B-2-D (Regional Shopping Center) a District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

A part of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of Section 23, 31 North, Range 12 East, Allen County, thence WEST along the north line of said Township Indiana: Northeast Quarter of said Section, a distance of 100.00 feet; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 967.8 feet along a line parallel to the east line of said Quarter Section, to the Point of Beginning; thence EAST a distance of 25.0 feet to a point on the West right-of-way line of Coldwater Road; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 1,047.22 feet along said West right-of-way line, to a point on the north right-of-way line of Essex Lane; thence North 89 degrees, 56 minutes, 24 seconds West, a distance of 1,903.34 feet (1,878.7 feet deed), along said north right-of-way line; thence North 00 degrees, 26 minutes, 28 seconds West, a distance of 1,986.06 feet (1,971.1 feet deed), to a point on the south right-of-way line of Washington Center Road; thence EAST a distance of 1,282.21 feet (1,282.92 feet deed), along said south right-of-way line; thence South 00 degrees, 08 minutes, 00 seconds East, a distance of 579.0 feet; thence EAST a distance of 301.97 feet; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 343.8 feet; thence East a distance of 300.0 feet to the Point of Beginning; containing 75.23 acres, more or less, and subject to rights-of-way and subject less, easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. M-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

That this Ordinance shall be in full force SECTION 2. and effect from and after its passage and approval by the Mayor.

#369

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Junet Y Bradbary
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

seconded by, and duly adopted, read the second time by title and referred to the Committee on (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on, the, day
of, 19, ato'clock, M., E.S.T.
DATE: 10-11-88. Sandra & Lennedy
SANDRA E. KENNEDY, CITY CLERK
Read the third time in full and on motion by seconded by , and duly adopted, placed on its passage. PASSED LOST by the following vote:
AYES NAYS ABSTAINED ABSENT TO-WIT
TOTAL VOTES 6 2
BRADBURY
BURNS
GiaQUINTA /
HENRY
LONG
REDD /
SCHMIDT
STIER V
TALARICO V
DATE: 12-27-88 SANDRA E. KENNEDY, CITY CHERK
Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. Z-21-88
on the 22th day of Clecenter , 19PD,
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 28th day of December , 1988,
at the hour of 11:00 o'clock A. M., E.S.T.
at the hour of 11:00 o'clock A. M., E.S.T. Sandra f. Lennedy
SANDRA E. KENNEDY, CITY CLERK
Approved and signed by me this 5th day of January
Approved and signed by me this $5h$ day of 200 , at the hour of 200 o'clock $6h$.M.,E.S.T.
1 Hobb
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts RECEIPT	A.E. BOYCE CO., EUNCIE, IND. GENERAL FORM NO. 552
COMMUNITY DEVELOPMENT & PLANNING	Nº 2816
FT. WAYNE, IND., 9-15 1900	12 8 mills 300 00

THE SUM OF DOLLARS

ON ACCOUNT OF REMAINS THE PROPERTY

AUTHORIZED SIGNATURE

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

PETITION FOR ZONING ORDINANCE AMENDMENT

		RECEIPT NO.
		DATE FILED
THIS IS TO BE FILED IN DUPLICAT	<u>E</u>	INTENDED USE
Martin F. Rodenbeck: Lir	— ncoln National Bank and Trust (
I/We	of Marie Rodenbeck, by Joann (Applicant's Name or Names)	Valentine, Vice President
do hereby petition your Honorah reclassifying from a/an RA described as follows:	ole Body to amend the Zoning Ma District to a/anB-2	ap of Fort Wayne, Indiana, by District the property
See Exhibit "A" attache	d hereto for the legal de	scription of the real
estate. See Exhibit "B	" attached hereto for a t	raffic study prepared
by Midwest Consulting E	ngineers, Inc. See Exhib	it "C" attached hereto
description of the expetion of the projected e (Legal Description) If additi	ffect upon the trade area onal space is needed, use reve	ation as well as a descrip and the community.
ADDRESS OF PROPERTY IS TO BE IN	[D)/5	CEU
		SEP 15 1988
(General Description for Planni I/We, the undersigned, certify		
I/We, the undersigned, certify or more of the property describ	that I am/we are the owner to be din this petition.	De rifty-one percentum (51%)
Martin F. Rodenbeck	5331 Coldwater Road	Martin J. Rodenbech
	Fort Wayne, Indiana 46825	LINOOLN MATIONAL PANK A TOWN OF
Trust Company of Fort Wayne, Trustee, under the Will of Marie Rodenbeck, by Joann	116 East Berry Street Fort Wayne, Indiana 46802	LINCOLN NATIONAL BANK & TRUST CO. FORT WAYNE, INDIANA OUNTY VALENTING JOAnne Valentine, Vice President
Valentine, Vice President		
(Name)	(Address)	(Signature)
(If additional space is needed,	use reverse side.)	
Legal Description checked by		
	(OFFICE US	SE ONLY)
NOTE FOLLOWING RULES All requests for deferrals, contaken under advisement shall be Commission prior to the legal mewspaper for legal publication ordinances be taken under advis being published, the head of the agenda for the meeting at which not accept request from petition that an ordinance be taken under forwarded to the newspaper for before the City Plan Commission	filed in writing and be submit of the pertaining to the ordinate. If the request for deferral ement is received prior to the e Plan Commission staff shall it was to be considered. The eners for deferrals, continuant advisement, after the legal legal publication but shall so (FILING FEE \$50.00)	tted to the City Plan ance being sent to the l, continuance or request that e publication of the legal ad not put the matter on the Plan Commission staff will ces, withdrawals or requests notice of said ordinance is
Name and address of the prepare		
	O Fort Wayne National Bank Bld t Wayne, Indiana 46802 (Address & Zip Code)	219/424-8000 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning, and (CITY PLAN COMMISSION / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, property owners and preparer shall be notified of the Public Hearing

approximately ten (10) days prior to the meeting.

A part of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of Section 23, Township 31 North, Range 12 East, Allen County, Indiana; thence WEST along the north line of said Northeast Quarter of said Section, a distance of 100.00 feet; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 967.8 feet along a line parallel to the east line of said Quarter Section, to the Point of Beginning; thence EAST a distance of 25.0 feet to a point on the west right-of-way line of Coldwater Road; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 1,047.22 feet along said west right-of-way line, to a point on the north right-of-way line of Essex Lane; thence North 89 degrees, 56 minutes, 24 seconds West, a distance of 1,903.34 feet (1,878.7 feet deed), along said north right-of-way line; thence North 00 degrees, 26 minutes, 28 seconds West, a distance of 1,968.06 feet (1,971.1 feet deed), to a point on the south right-of-way line of Washington Center Road; thence EAST a distance of 1,282.21 feet (1,282.92 feet deed), along said south right-of-way line; thence South 00 degrees, 08 minutes, 00 s;conds East, a distance of 579.0 feet; thence EAST a distance of 301.97 feet; thence South 00 degrees, 19 minutes, 40 seconds East, a distance of 343.8 feet; thence EAST a distance of 300.0 feet to the Point of Beginning; containing 75.23 acres, more or less, and subject to rights-of-way and easements of record.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 11, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 17, 1988 and November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this 29th day of November 1988.

Robert Hutner Secretary

A GRIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zon	ing Ordinance Amendment
DEPARTMENT REQUESTING ORDIN	NANCE Land Use Management - CD&P
SYNOPSIS OF ORDINANCE Sou	thwest corner of Coldwater Road and Washington Center Road $2-88-10-08$
EFFECT OF PASSAGE Propert	y is presently zoned RA - Suburban Residential District.
Property will become B-2-D - R	degional Shoopping Center District.
EFFECT OF NON-PASSAGE P	roperty will remain RA - Suburban Residential District.
MONEY INVOLVED (Direct Cost	ts, Expenditures, Savings)
(ASSIGN TO COMMITTEE (J.N.)	

FACT SHEET

Z-88-10-08

BILL' NUMBER

Division of Community Development & Planning

Zoning Ordinance Amendment		
From RA to B2D		
DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address	Sponsor	
The southwest corner of Coldwater and	1	City Plan Commission
Washington Center Roads.	Area Affected	City Wide
Reason for Project		
		Other Areas
Shopping Center Development		
	Applicants	Application (A)
	Applicants/ Proponents	Applicant(s)
		Trammell Crow Company City Department
		City Department
	The Market	Other
Discussion (Including relationship to other Council actions	Opponents	Groups or Individuals
17 October 1988 - Public Hearing		Nancy Kloha, 816 Ludwig Rd A.W. Fruchtenicht, attorney
See Minutes of Attached Meeting	No. of the last of	Basis of Opposition -would add to traffic con-
		gestion - would add to storm
21 November 1988 - Public Hearing		water runoff in area - devel-
See Minutes of Attached Meeting		opment is not needed in area
28 November 1988 - Business Meeting	Staff Recommendation	
Motion was made and seconded to return		Reason Against
the ordinance to the Common Council with a DO PASS recommendation.		A STATE OF THE STA
Of the seven (7) members present five (5)		
voted in favor of the motion, one (1) voted against, one (1) did not vote.	Board or Commission	Ву
voted against, one (1) did not vote.	Recommendation	☐ Against
Motion carried.		No Action Taken
NOTE: Plan Commission placed appropriate		For with revisions to conditions
conditions on the primary development plan, & recommended an approval of the		(See Details column for conditions)
rezoning petition.		
	CITY COUNCIL ACTIONS	Pass Other
	(For Council	Pass (as Hold amended)
	use only)	Council Sub. Do not pass

AILS	POLICY/ PROGR	IMITACI	
	Policy or Program Change	☐ No	Yes
	Operational Impact Assessment		
	(This	space for further	discussion)
Project Start Date 16 Septe	ember 1988		
Projected Completion or Occupancy Date 1 December 1	per 1988		
Patricia Biancaniello Reviewed by Date 1 Decembrate Date 1 Decembrate Date 2 Decembrate Date 3 Decembrate Date 3 Decembrate Date 4 Decembrate Date 3 Decembrate Date 4 Decembrate Date 5 Jensen Branch Date 1 Decembrate Date 2 Decembrate Date 3 Decembrate Date 1 Decembrate Date 1 Decembrate Date 2 Decembrate Date 3 Decembrate Date 4 Decembrate Date 4 Decembrate Date 5 Decembrate Date 5 Decembrate Date 1 Decemb			

Public Hearing on a Zoning Map Amendment and a Primary Development Plan

- a. Bill No. Z-88-10-08 Change of Zone #369
 From RB to B-2-D
 Approximately the southwest corner of Washington Center
 Road and Coldwater Road.
- b. Primary Development Plan for "Coldwater Crossing"

Robert Hoover, attorney for the petitioners and developers appeared before the Commission. Mr. Hoover discussed the need to continue the hearing until the November 21, 1988 public hearing in view of the staffs comments and recommendations, which they had only just received on Friday.

Motion was made by Yvonne Stam, seconded by Mark Gensic to continue the public hearing in November but to hold a public hearing that evening due to the number of citizens who had come for the meeting. Motion carried.

Mr. Hoover went on to discuss the proposal by reviewing the staff comments and giving a brief overview of the history of the site, the reasons for seeking a B-2-D, and their proposed improvements to roadways in the area. He further addressed the current traffic situation, and proposed improvements to that situation, which he felt he could not comment on if the project is downsized. He noted for the Commission that 71% of the proposed tenant space is already leased, that the project would create 1250 jobs and generate an estimated 15 million dollars for the economy. Mr. Hoover summarized by saying the site will be developed and that Trammel Crow is a nationally known developer and that the plan they are proposing is a good one including substantial off-site improvements and the generating of money into the local economy. He did however state that the access on Coldwater Road is an absolute, that it was in fact a "deal He also stated that downsizing the project as suggested by staff may cause major problems.

The following people spoke in opposition:

A.W. Fruechtenicht, attorney representing Tara Apartments - Gene Glick & Company presented the Commission with 240, more or less, signature petition expressing the concerns of the residents. Those included no access from Essex Lane, heavy mounding & landscape buffering, and the additional 10.3 acre site shown on the site plan for future development to be served by internal access only. He stated that if the Commission approved an access on Essex Lane that it should be relocated further east.

Keith Hedrick, 5432 Archwood Lane, representing Northcrest Addition & Northcrest Woods
Paul Leman, 5421 Riviera Drive
Ed Weigmann, 324 E Essex Lane, school crossing guard for Tara

Public Hearing on a Zoning Map Amendment and a Primary Development Plan Continued From the October Public Hearing

- a. Bill No. Z-88-10-08 Change of Zone #369
 From RB to B-2-D
 Approximately the southwest corner of Washington Center
 Road and Coldwater Road.
- b. Primary Development Plan for "Coldwater Crossing"

Bob Hoover, attorney representing the petitioner and developer appeared before the Commission. Mr. Hoover stated that last month they requested a continuance in that the staff had filed a recommendation asking them to downsize the project to a B2C zoning and to alter the site plan accordingly. We indicated to you at that time that they did not think the economics of the project would work under such a plan, that they could not make the substantial off site improvements that the city feels is necessary and that they could not complete any other substantial investments under a plan that would include such downsizing. More importantly we indicated to you last month that they did not think such a move was necessary or was justified, that the land in question, the utilities, the traffic situation after completing all of the substantial improvements that were discussed and that the other amenities were all adequate to support the development as they had proposed. We were advised that the staff report at that time was based solely on concerns about handling the traffic in the vicinity of the project. During the past month our experts and consultants and the city's experts and consultants have worked very hard on a further analysis of the traffic system and the effect that our proposed development would have upon the system. Before we discuss these improvements in greater detail, I would like to bring you up to date on some of the other traffic issues involved. You will remember last month that I discussed that there were some traffic problems in the area that were caused largely because of the Interstate System. I indicated that the solutions to these problems were not with in our control or within the city's control, but rested with the efforts of the state. There are some further developments in this regard and I will give you the information with respect to that. On October 20th the News Sentinel published an article titled "State Funds To Untie I-69 Knot". We have confirmed the information set forth in that article with Mr. Wehrenberg and others with the Indiana Department of Highways and they have advised as follows: "The State has appropriated more than \$500,000 for work on the I-69-Coldwater Road interchange, this money is in the bond funding project. Indianapolis engineering firm has been hired and its preparing the reports with regard to design of those improvements." While we do not know exactly what those improvements are likely to be your staff advises us that most likely that will result in some relocation of the existing exit ramp and most likely the adding of an additional exit ramp so that there will be two lanes. The Indiana Department of Highways

Their studies indicated that Fort Wayne has approximately 10 sq. Ft. of retail space per capita, versus 21 Sq. Ft. in Indianapolis and a 15 Sq. Ft. national average. Their proposed tenant line up will include 4 tenants from the Fortune 500, and they are roughly 70% leased for proposed space. The project should generate approximately 100 million dollars in retail sales and create between 1200 and 1500 new jobs.

Wil Smith questioned if the marketing analysis dealt with that specific area versus the entire city.

Mr. DeMatourko stated that they have determined that Fort Wayne is under retailed and where the major corridors are in Fort Wayne and where new retail would make sense to be developed. Mr. DeMatourko stated that they check to see where the two major malls are and which was the stronger of the malls and therefore is more desirable and has a greater trade route. The Glenbrook Mall is visited by approximately 2/3 of Fort Wayne on a monthly basis, the Southtown Mall gets approximately 1/3 of this business on a monthly basis. He stated that this area is a stronger trade area visited by more people and they would fit into the existing retail that is already there.

Greg Purcell, Executive Director of CD&P appeared before the Commission. He stated that some things have recently changed with regard to this project. One of them are the interchange improvements which are being proposed for the I-69 interchange. He stated that they are not quite as convinced as Mr. Hoover that this is going to happen in as timely a fashion as he has suggested. He stated that Walt Stout, Traffic Engineer, has looked at this project and basically he has stated to the staff that he does not see that the traffic situation in the immediate vicinity is something that is not going to meet standards that he lives with as a professional. So with in the immediate area he saying that he is not going along with the original recommendation, which was to deny the project at the density level that it was proposed. He stated he felt there were some other questions with regard to, what Walt Stout refers to as the "upstream and the downstream" traffic issues. A particular one is the I-69 underpass. While that is on the drawing boards and the State does have a commitment to go forward with it, there is obviously going to be some cost. Another issue with regard to this project in the immediate vicinity is something that came up at the last hearing and that was the storm water problem in the area. The developer does propose to make something slightly over \$500,000 in capital improvements. These improvements are not to be taken lightly. He stated what they are going to be exploring Tax Increment Financing District for this particular project. He stated they want to "capture" that tax increment for that project and utilize those additional dollars to do some of these improvements, to pay for the city's share of the underpass widening at I-69, to pay for some additional drainage work and storm sewer work that they feel is necessary in that area. And to pay for some improvements which will be along Washington

Ed Weigmann, 324 E Essex Lane, school crossing guard for Tara Marilyn Minnick, 5421 Riviera Drive Fred Koverman, 5225 Stony Run Lane Margie Koverman, 5225 Stony Run Lane

The basis for the opposition was as follows:

- no need for further development of this type in area area is already inundated with shopping centers and residents in area are surrounded by commercial uses and they questioned the market need it was stated that Coldwater Road already has a traffic count of 25,000 to 30,000 cars a day this would add to the already serious traffic problems on Coldwater as well as on Washington Center Road
- residents of Tara have only Essex Lane as access they do not want a business cut on to Essex
- flooding in area of Coldwater Road cuts off all traffic flow this would only create additional flooding
- safety of pedestrian traffic would be threaten more by additional development
- there was concern on the part of the residents that more development of this nature would devalue their properties to the extent that they would be unable to sell
- the sewer lines in the area would not be adequate for the additional output

Mr. Hoover in rebuttal stated that he felt that he could work with Tara and solve their problems. He stated the only thing they did not agree on was the request for a covenant. He stated he felt it was poor planning. He stated that private deed restrictions last forever. He stated that circumstances do change and might change at sometime in the future that further access would not be a detriment on Essex Lane. He stated that they do not want to or intend to create a safety problem in the area.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

BILL NO. Z-88-10-08	Hold	12-21
REPORT OF THE COMMITEE ON _	PUBLIC RELA	ATIONS
WE, YOUR COMMITTEE ON PUBLIC RELATION	IS	TO WHOM WA
REFERRED AN (ORDINANCE) (RESOLUTE	TOWN _ amending	the City o
Fort Wayne Zoning Map No. M-34		
HAVE HAD SAID (ORDINANCE) (RESOLUTION)	UNDER CON	SIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMO	N COUNCIL THA	T SAID
(ORDINANCE) (RESOLUTION)X No te	commen	detion
YES	NO	
JAMES S. STIER		
CHAIRMAN DONALD J. SCHMIDT	,	
VICE CHAIRMAN CHARLES B. REDD		
DAVID C. LONG		
MARK E. GIAGUINTA		

PAUL M. BURNS

CONCURRED IN___

SAMUEL J. TALARICO

THOMAS C. HENRY

UNITY JANET G. BRADBURY

SANDRA E. KENNEDY CITY CLERK

hold fin 12/27

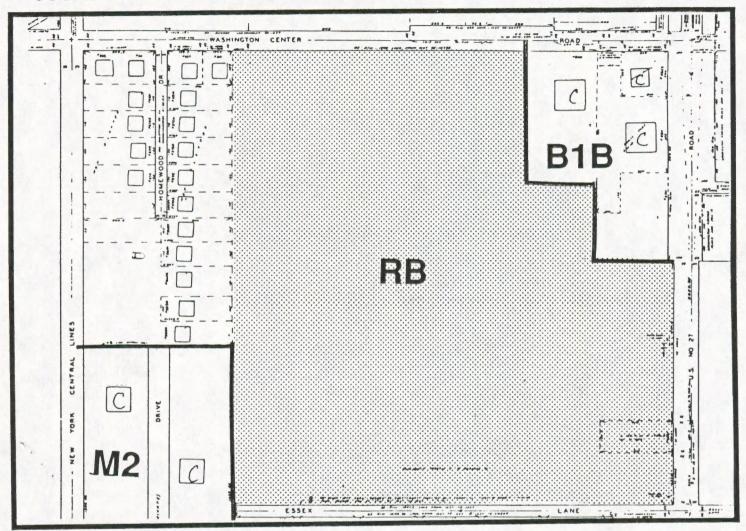
DDD000	-10-08		EGULATIONS			
REPORT	OF THE CO	OMMITTEE ON R	EGODATIONS			
E, YOUR COMMITT	EE ON	REGULATIONS	TO W	HOM WA	AS	
FERRED AN (ORD	INANCE)	(RESOLUTION)_	amending	the C	ity	of
Fort Wayne Zo						
		(RESOLUTION				
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REZONING PETITION #369

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED FROM A RA DISTRICT TO A B2D DISTRICT.

MAP NO. M-34

COUNCILMANIC DISTRICT NO.3



ZONING:

M2 GENERAL INDUSTRY B1B LIMITED BUSINESS "B" RB RESIDENCE "B"

LAND USE:

SINGLE FAMILY

COMMERCIAL

SCALE: N.T.S.

DATE: 9-22-88

